

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NATANAEL RIVERA,

Plaintiff,

v.

MICHAEL SCHULTZ, SAMUEL MENNING,  
LAWRENCE PETERSON and GEORGE JIMENEZ,

Defendants.  
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ORDER

12-cv-240-bbc

Pro se plaintiff Natanael Rivera is proceeding on a claim that defendants Michael Schultz, Samuel Menning, Lawrence Peterson and George Jimenez subjected him to a strip search, in violation of the Eighth Amendment. Trial is scheduled for November 14, 2013.

On November 8, 2013, plaintiff filed various documents related to the trial, including four in which he requests assistance from the court. The first is a document in which he asks the court to direct defendants to produce various items at the trial. Dkt. #86. The second is a motion to compel discovery. Dkt. #88. The third is a motion for the court to enter judgment in plaintiff's favor as a sanction for defendants' alleged fabrication of evidence. Dkt. #89. The fourth is a document that he calls "motion for habeas corpus" in which he requests the presence of various witnesses at trial. Dkt. #92.

With respect to the first motion, the preliminary pretrial conference order set October 11, 2013 as the deadline for conducting discovery, dkt. #39 at 8, so I am denying the

motion as untimely.

With respect to the second motion, plaintiff says that defendants have not responded to a discovery request that he submitted on September 20, 2013. Accordingly, I will direct defendants to respond to the discovery requests or show cause why they should not be required to do so.

I am denying plaintiff's motion for sanctions because he has not submitted any evidence that defendants fabricated evidence.

Finally, I am denying plaintiff's request for witnesses as untimely. In an order dated September 16, 2013, dkt. #62 at 13, I gave plaintiff a deadline of October 15, 2013, to submit a petition for a writ of habeas corpus ad testificandum and to request the issuance of subpoenas for nonprisoner witnesses. Plaintiff does not explain why he missed the deadline by more than three weeks and it is too late now to issue a writ or subpoena. Further, with respect to the nonprisoner witnesses, plaintiff did not follow the procedures for obtaining a subpoena. Id. at 17-18. Finally, it is not apparent from plaintiff's vague description of the witnesses' proposed testimony how that testimony is relevant to this case.

#### ORDER

IT IS ORDERED that

1. Plaintiff Natanael Rivera's motion to direct defendants to produce various items at the trial, dkt. #86, is DENIED.
2. Plaintiff's motion for sanctions, dkt. #89, is DENIED.

3. Plaintiff's requests for witnesses, dkt. #92, is DENIED.

4. No later than November 12, 2013, defendants Michael Schultz, Samuel Menning, Lawrence Peterson and George Jimenez are directed to respond to plaintiff's September 20, 2013 discovery requests or show cause why they should not be required to do so.

Entered this 8th day of November, 2013.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge